



Eastern Region Office
PO Box 40008
Philadelphia, PA 19106
215-592-1513 T
215-592-1343 F

Central Region Office
PO Box 11761
Harrisburg, PA 17108
717-238-2258 T
717-236-6895 F

Western Region Office
313 Atwood St.
Pittsburgh, PA 15213
412-681-7736 T
412-681-8707 F

TESTIMONY SUBMITTED BY

ANDREW HOOVER, LEGISLATIVE ASSISTANT

AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA

TO

HOUSE JUDICIARY COMMITTEE

FEBRUARY 21, 2008

STATE CAPITOL, HARRISBURG

Chairman Caltagirone, Chairman Marsico, and members of the committee, thank you for the opportunity to submit testimony regarding the expansion of police powers to county sheriffs' departments, as articulated in House Bill 466. The American Civil Liberties Union of Pennsylvania opposes the legislation. We have significant concerns about this expansion of power, and I will articulate those concerns here.

All Pennsylvanians owe a debt of gratitude to those in law enforcement, including officers and civilians in our county sheriffs' departments. They take on a difficult job that presents daily challenges, and we are grateful to those officers who carry out their duties with great care for all residents of their communities and with respect for the rule of law.

Unfortunately, history is filled with examples of some members of law enforcement disrespecting the boundaries of the rule of law and violating the civil rights of ordinary Americans. Famous examples include attacks on African-American protesters in the 1950s and 1960s. Closer to home, the ACLU of Pennsylvania represented many individuals in Philadelphia and Pittsburgh in the 1990s after their rights had been violated through police misconduct. These cases led to reforms in the police departments of both cities.

These examples are not indicative of the way most law enforcement officers carry out their duties, but, sadly, these incidents reflect poorly on the entire law enforcement community.

In December, *The Philadelphia Inquirer* published a three-part investigative series on police behavior in the southeastern suburbs and elsewhere in Pennsylvania. Specifically, the series focused on the enforcement of so-called nuisance laws, like loitering and jaywalking, and the unconstitutional use of strip searches on all persons in police custody. The conclusions reached in the series were the following:

- Local ordinances on minor crimes are poorly written and likely unconstitutional.
- Most of the municipalities that have used high-arrest tactics to deal with crime have nearly all-white police departments in towns with diverse populations.
- The enforcement of these nuisance laws disproportionately affects racial and ethnic minorities, leading to strained relationships with the community.
- High-arrest tactics have little impact on crime rates. Suburban towns that have used these tactics have actually seen a rise in crime.
- Some departments and county jails are strip searching all defendants. This practice is unconstitutional.

In this environment, the ACLU believes Pennsylvania should focus on addressing these kinds of problems rather than expanding police powers to county sheriffs.

The Inquirer series also emphasized the effectiveness of community policing. This form of law enforcement allows officers to become an integral part of the fabric of the community. Rather than patrolling from a vehicle, officers walk the streets of a neighborhood and build relationships with residents and community leaders. All stakeholders become familiar with each other and respectfully recognize the roles played by each. The ACLU has long advocated for the increased use of community policing in Pennsylvania. Based on academic theory and real-life examples like High Point, North Carolina, and San Diego, we believe that the end result of this form of law enforcement is less community tension and a decrease in accusations of civil rights violations.

Law enforcement officers play an important role in Pennsylvania's cities, boroughs, and townships. Their power is most effective when it is respected and limited in scope with proper checks on how it is being used. The ACLU of Pennsylvania believes that House Bill 466 is an unnecessary expansion of police powers to the Commonwealth's county sheriffs.

If you have further questions, you are welcome to contact me.